

Request for Reconsideration after Final Action

The table below presents the data as entered.

Input Field	Entered
SERIAL NUMBER	85506339
LAW OFFICE ASSIGNED	LAW OFFICE 115
MARK SECTION (no change)	
ARGUMENT(S)	
Please see the actual argument text attached within the Evidence section.	
EVIDENCE SECTION	
EVIDENCE FILE NAME(S)	
ORIGINAL PDF FILE	evi_5024756233-20140825225807308344_.8.80660US01_Response_to_Final_Office_Action_mail-25-2014.pdf
CONVERTED PDF FILE(S) (6 pages)	\\TICRS\EXPORT16\IMAGEOUT16\855\063\85506339\xml10\RFR0002.JPG
	\\TICRS\EXPORT16\IMAGEOUT16\855\063\85506339\xml10\RFR0003.JPG
	\\TICRS\EXPORT16\IMAGEOUT16\855\063\85506339\xml10\RFR0004.JPG
	\\TICRS\EXPORT16\IMAGEOUT16\855\063\85506339\xml10\RFR0005.JPG
	\\TICRS\EXPORT16\IMAGEOUT16\855\063\85506339\xml10\RFR0006.JPG
	\\TICRS\EXPORT16\IMAGEOUT16\855\063\85506339\xml10\RFR0007.JPG
DESCRIPTION OF EVIDENCE FILE	Please see the actual argument text attached within the Evidence section.
CORRESPONDENCE SECTION	
ORIGINAL ADDRESS	Richard C. Gilmore MASCHOFF BRENNAN LAYCOCK GILMORE ISRAELSEN & WRIGH 201 SOUTH MAIN STREET SUITE 600 SALT LAKE CITY Utah (UT) US

	84111
NEW CORRESPONDENCE SECTION	
NAME	Richard C. Gilmore
FIRM NAME	MASCHOFF BRENNAN LAYCOCK GILMORE ISRAELSEN & WRIGH
INDIVIDUAL ATTORNEY DOCKET/REFERENCE NUMBER	S1008.80660US01
INTERNAL ADDRESS	SUITE 600
STREET	201 SOUTH MAIN STREET
CITY	SALT LAKE CITY
STATE	Utah
ZIP/POSTAL CODE	84111
COUNTRY	United States
PHONE	435-252-1360
FAX	435-252-1361
EMAIL	rgilmore@mabr.com;docket@mabr.com
AUTHORIZED EMAIL COMMUNICATION	Yes
SIGNATURE SECTION	
RESPONSE SIGNATURE	/Richard C. Gilmore/
SIGNATORY'S NAME	Richard C. Gilmore
SIGNATORY'S POSITION	Attorney of Record, California bar member
SIGNATORY'S PHONE NUMBER	435-252-1360
DATE SIGNED	08/25/2014
AUTHORIZED SIGNATORY	YES
CONCURRENT APPEAL NOTICE FILED	YES
FILING INFORMATION SECTION	
SUBMIT DATE	Mon Aug 25 23:02:15 EDT 2014
	USPTO/RFR-50.247.56.233-2 0140825230215415615-85506

TEAS STAMP

339-50067c3fbfc97ae2c9b1e
8fe8b19226bb13049c2e6e990
5a2297af9f7944e3a150-N/A-
N/A-20140825225807308344

PTO Form 1960 (Rev 9/2007)
OMB No. 0651-0050 (Exp. 07/31/2017)

Request for Reconsideration after Final Action To the Commissioner for Trademarks:

Application serial no. **85506339** has been amended as follows:

ARGUMENT(S)

In response to the substantive refusal(s), please note the following:

Please see the actual argument text attached within the Evidence section.

EVIDENCE

Evidence in the nature of Please see the actual argument text attached within the Evidence section. has been attached.

Original PDF file:

[evi_5024756233-20140825225807308344_8.80660US01_Response_to_Final_Office_Action_mailed_2-25-2014.pdf](#)

Converted PDF file(s) (6 pages)

[Evidence-1](#)

[Evidence-2](#)

[Evidence-3](#)

[Evidence-4](#)

[Evidence-5](#)

[Evidence-6](#)

CORRESPONDENCE ADDRESS CHANGE

Applicant proposes to amend the following:

Current:

Richard C. Gilmore
MASCHOFF BRENNAN LAYCOCK GILMORE ISRAELSEN & WRIGH
201 SOUTH MAIN STREET
SUITE 600
SALT LAKE CITY
Utah (UT)
US
84111

Proposed:

Richard C. Gilmore of MASCHOFF BRENNAN LAYCOCK GILMORE ISRAELSEN & WRIGH,
having an address of
SUITE 600 201 SOUTH MAIN STREET SALT LAKE CITY, Utah 84111
United States
rgilmore@mabr.com;docket@mabr.com
435-252-1360
435-252-1361
The attorney docket/reference number is S1008.80660US01 .

SIGNATURE(S)

Request for Reconsideration Signature

Signature: /Richard C. Gilmore/ Date: 08/25/2014

Signatory's Name: Richard C. Gilmore

Signatory's Position: Attorney of Record, California bar member

Signatory's Phone Number: 435-252-1360

The signatory has confirmed that he/she is an attorney who is a member in good standing of the bar of the highest court of a U.S. state, which includes the District of Columbia, Puerto Rico, and other federal territories and possessions; and he/she is currently the applicant's attorney or an associate thereof; and to the best of his/her knowledge, if prior to his/her appointment another U.S. attorney or a Canadian attorney/agent not currently associated with his/her company/firm previously represented the applicant in this matter: (1) the applicant has filed or is concurrently filing a signed revocation of or substitute power of attorney with the USPTO; (2) the USPTO has granted the request of the prior representative to withdraw; (3) the applicant has filed a power of attorney appointing him/her in this matter; or (4) the applicant's appointed U.S. attorney or Canadian attorney/agent has filed a power of attorney appointing him/her as an associate attorney in this matter.

The applicant is filing a Notice of Appeal in conjunction with this Request for Reconsideration.

Mailing Address: Richard C. Gilmore
MASCHOFF BRENNAN LAYCOCK GILMORE ISRAELSEN & WRIGH
SUITE 600
201 SOUTH MAIN STREET
SALT LAKE CITY, Utah 84111

Serial Number: 85506339

Internet Transmission Date: Mon Aug 25 23:02:15 EDT 2014

TEAS Stamp: USPTO/RFR-50.247.56.233-2014082523021541

5615-85506339-50067c3fbfc97ae2c9b1e8fe8b

19226bb13049c2e6e9905a2297af9f7944e3a150

-N/A-N/A-20140825225807308344

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Shimano Inc.)
)
Mark:	SHIMANO DOC)
)
Serial No.:	85/506,339)
)
Filed:	December 30, 2011)
)
Classes:	9 and 12)
)
Examining Attorney:	Nicholas A. Coleman)
)
Law Office:	115)

RESPONSE TO FINAL OFFICE ACTION DATED FEBRUARY 25, 2014

Commissioner for Trademarks
P.O. Box 1451
Alexandria, VA 22313-1451

Dear Sir:

The following amendment and remarks are submitted in response to the Final Office Action dated February 25, 2014.

I. REMARKS

The Office Action refused registration of the mark under Trademark Act Section 2(d) with respect to Registration No. 4,122,482. In order to overcome this refusal to register the mark, the owner of Registration No. 4,122,482, Shimano American Corporation, is assigning this registration to Applicant, Shimano Inc. The Trademark Assignment is attached as Exhibit A. The Trademark Assignment will be recorded with the United States Patent and Trademark Office shortly. In view of the common ownership of this application and Registration No. 4,122,482, Applicant requests this Section 2(d) refusal to register the mark be withdrawn.

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Mark: SHIMANO DOC

II. CONCLUSION

In view of the foregoing, applicant respectfully submits that the mark is entitled to registration and requests that it be promptly allowed for publication. If the Examining Attorney requires any changes in the application that could be made by an Examiner's Amendment, Applicant respectfully requests that she telephone Applicant's attorney at the number listed below.

Dated: January 9, 2014.

Respectfully submitted,

By: /Richard C. Gilmore/
Richard C. Gilmore
Registration No. 37,335
Attorney of Record

Customer No. 97,149

MASCHOFF BRENNAN LAYCOCK
GILMORE ISRAELSEN & WRIGHT
201 South Main Street
Suite 600
Salt Lake City, Utah 84111
Telephone: 435-252-1360
Facsimile: 435-252-1361
E-mail: rgilmore@mabr.com

Re: Response to Final Office Action dated February 25, 2014
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EXHIBIT A

Re: Response to Final Office Action dated February 25, 2014
Serial No.: 85/506,379
Mark: SHIMANO DOC

WHEN RECORDED RETURN TO:

TRADEMARKS
Docket No: S1003.0

Maschoff Brennan Laycock
Gilmore Israelsen & Wright
1389 Center Drive, Suite 300
Park City, Utah 84098

TRADEMARK ASSIGNMENT

This Assignment Agreement is between Shimano American Corporation (hereinafter “Assignor”), a California corporation, having a principal place of business at One Holland, Irvine, California 92618 and Shimano Inc., a Japanese Corporation, having a principal place of business at 3-77 Oimatsu-cho, Sakai-ku, Sakai City, Osaka, Japan 590-8577 (hereinafter “Assignee”).

WHEREAS, Assignor has adopted, used, is using, and is the owner of, the Marks and Registrations listed in the attached Schedule A, and all other rights appurtenant thereto, including, but not limited to, all common law rights, trade name rights, copyrights, and the right to recover for past infringement (hereinafter “Marks”) in the United States (hereinafter “Territory”);

WHEREAS, Assignor has acquired goodwill associated with and symbolized by said Marks and Registrations in the Territory, and has not abandoned the same;

WHEREAS, Assignee is desirous of acquiring all right, title and interest in and to said Marks and Registrations in the Territory;

NOW, THEREFORE, for and in consideration of good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, Assignor does hereby assign unto Assignee all right, title and interest in and to the above-identified Marks and Registrations in the

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Territory, together with the goodwill symbolized by said Marks and Registrations, concurrent with the transfer of certain tangible assets as indicia of said goodwill.

This Assignment includes the rights to sue and recover damages for past infringements and the Assignor agrees to provide any materials within its control necessary to establish the validity of the Assignment.

THE ASSIGNOR agrees to execute any documents which are necessary for or to effect a transfer of title to the Assignee in said Marks and Registrations.

ASSIGNOR

SHIMANO AMERICAN CORPORATION

By: _____

Printed Name: _____

Title: _____

Date: _____

ASSIGNEE

SHIMANO INC.

By: _____

Printed Name: _____

Title: _____

Date: _____

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Mark: SHIMANO DOC

SCHEDULE A

United States Trademarks

MARK	IC	FILED	SERIAL NO.	REG. NO.	REG. DATE
SSC SHIMANO SERVICE CENTER	25	August 6, 2011	85/391,490	4,169,295	July 3, 2012
SHIMANO SERVICE CENTER	37	July 30, 2010	85/097,297	4,122,482	April 3, 2012